

Appl. No. : 09/823,816
Filed : March 30, 2001

REMARKS

Applicant would like to thank the Examiner for the interview of May 4, 2004 with Applicant's representative. Claim 35 has been amended to be independent and to include all of the elements of original Claim 22. Claim 38 has been added. Support for new Claim 38 can be found in the Specification and claims as filed. Claim 22 has been amended to include recitation of a single clip. During the interview of May 4, 2004, the Examiner clarified that it was the combination of the single clip and double clip that led to patentability. Therefore, the new Claim 38 as well as Claim 22 and allowable Claim 35 include this combination and Applicant submits they are therefore patentable. No new matter has been added herewith.

Allowable Subject Matter

Applicant notes with appreciation the indication that Claims 35-37 are allowable.

In response, Applicant has rewritten Claim 35 in independent form. Claims 36 and 37 depend from Claim 35. Accordingly, Applicant submits that Claims 35-37 are in condition to be allowed.

Drawings and Specification

The Examiner has objected to the drawings and the Specification as not showing that the transparent and back overlay sections include a recess to receive a clip as recited in Claims 33 and 34. However, Applicants would like to direct the Examiner's attention to Figure 3B, reference number 80 in which a recess is clearly shown in the overlay. Further, the Specification clearly provides proper antecedent basis for the claimed subject matter because on page 8 of the Specification paragraph 14, it states "The transparent section 3 and the backing section 4 may be equipped with a recess or locking mechanism 80 (see Fig. 3B) to help secure the clips 8 where contact is made with the clips 8." (emphasis added). This is clearly an embodiment of a recess and provides antecedent basis for a recess. It should be noted, however, that the claims are not limited to the recess of the illustrated embodiment.

Rejection under 35 U.S.C. §112

Claims 30 and 32 were rejected by the Examiner as being indefinite for recitation of "at least one double clip". Claim 30 has been amended to recite "further comprising at least a second double clip" thus rendering the claim definite.

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Rejection under 35 U.S.C. §103(a)

Claims 22-29, 33, and 34 were rejected as being unpatentable over Wang (US patent 4,827,639) in view of Sturla, (US patent 905,951) and Dammond (U.S. Patent 3,665,628).

The law is clear that three basic criteria must be met to establish a *prima facie* case of obviousness: (MPEP ¶2143):

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references, when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1440 (Fed. Cir. 1991)).

Independent Claim 22 has been amended as noted above. Wang, Sturla and Dammond, alone or in combination, fail to teach all of the elements of amended Claim 22 because none of the references of record teach or suggest a combination of double and single clips as claimed.

Accordingly, Applicants submit that the presently claimed invention is not obvious in view of Wang, Sturla, and Dammond because they do not teach or suggest all of the claimed elements and Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

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Conclusion

Should there be any questions concerning the above-identified patent application, the Examiner is respectfully requested to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: June 23, 2004

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